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SEP 23 1982
ALEXANDER L. STEVAS,
CLERK

82-514

IN THE SUPREME COURT OF THE

UNITED STATES

ALBERT MORTON

PETITIONER

-vs-

PROVIDENCE HOSPITAL
and DEFENDANTS

RESPONDENTS

PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES SUPREME COURT
FROM UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

ALBERT MORTON, PETITIONER
1430 "W" Street, S.E.
Washington, D.C. 20020

Questions Presented

Whether the Court below had the right to decide Judgment, which Federal Questions was directly involved, which was not for their jurisdiction.

Whether Petitioner was denied and derpived of the right to challenge the statue for a fair and full hearing guaranteed by the 14th Amendment of the Constitution. The Court lost Records of Documented Evidence needed it to support an Appeal to the U.S. Supreme Court.

Whether Constitution's claim of denial of Federal rights will the U.S. Supreme Court examine the evidence based on the Conclusion found. The Federal Question was raised and decided adversely to Petition.

Opinions Below

Certiorari should issue to settle the important Federal Question from the Court below is disputed with the U.S. Supreme Court as to Jurisdiction.

The Court of Appeals erred in holding that the Petitioner was not deprived of his rights by the lost of his documented evidence under their jurisdiction.

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Jenkins -v- McKisthen to Present Evidence 23 L Ed 1967, 404 -3.4.5.6.8 IO.

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IN THE SUPREME COURT
OF THE UNITED STATES

ALBERT MORTON,
PETITIONER

-vs-

PROVIDENCE HOSPITAL
RESPONDENT

PETITION FOR A WRIT OF CERTIORARI
FROM THE U.S. COURT OF APPEALS
FOR THE
DISTRICT OF COLUMBIA

The Petitioner, Albert Morton, respectfully pray that a Writ of Certiorari is issued to review the Judgment and Opinion of the U.S. Court of Appeals for the District of Columbia.

OPINIONS BELOW

The Memorandum Opinion of the Court of Appeal is not reported. A copy of this appended here to as Appendix A and a copy of the Order denying the Petition for rehearing is appended as Appendix B

JURISDICTION

The Judgement of the Court of Appeals was entered on May 18, 1982.

The Court denied a timely petition for rehearing in June, 1982.

The Jurisdiction of the Court is invoked under 28, U.S.C. 1291.

REASON FOR GRANTING THE WRIT

Certiorari should be issued to settle the Important Federal Question as to Jurisdiction in the Court below. Also the depriving of Constitutional rights guaranteed by the Amendment.

The Federal Court below has the right to decide judgment that the Federal Question was directly invoked which was not for their jurisdiction.

Did the Court deny and deprive Petitioner of his right to challenge

the Statue for a fair and full hearing guaranteed by the 14th Amendment of the Constitution.

When Constitution claim of denial of Federal Rights, the U.S. Supreme Court are not bound by the lower court, but will examine the Evidenteary basis on the conclusion founded.

MOTION FOR RELIEF

On the Face of the Record from the Court below Exhibits Brief 22, Page K shows Constitutional Questions of Federal Rights were formed in sufficient manner to bring the Attention to that Court. The Court ignored Federal Questions raised and decided adversely to Petition. Kansas Endocument Assoc.-v-Kansas (1887) 120 U.S., 30 Led 593 See Brief from Court of Appeal 81-2107 as to Federal Questions raised. Pages v-1-2-3-5.

STATEMENT OF THE CASE

The U.S. District deprived Petition of Due Process under suspicious circumstances by the loss of document evidence. Depriving Petition of the right to prepare for the Appeal. U.S. Supreme Court will dismiss a Writ of Certiorari, where Petition failed to give adequate information concluding the record and facts. Eve R. Co.-v-Kirkendall 266 U.S., 185 32, 69 L Ed 236, 1924. This Act denied and deprived Petition of the right to a full and fair Hearing guaranteed by the 14th Amendment of the Constitution.

The lost documented evidence under Court Jurisdiction deprived Petitioner of right to challenge the Statue. The Courts procedures violated the Due Process clause of the fourteenth amendment.

The records were transmitted from the Court of Appeals on March 14, 1980. Pleadings and Orders, Federal Questions were in conflict of the decisions of th.

the Supreme Court.

On the face of the Records from the Court below will show Federal Questions were raised and invoked and the decision in the Judgement could not have been made without Jurisdiction of Appellate Court as affected by disputing of Federal questions. The Court below deprived Petitioner of the right to challenge the Statue of Due Process Clause of the Fourteenth Amendment.

DEPRIVED OF FEDERAL RIGHTS

Affidavit of loss records was filed after a diligent search by the Petitioner. See Exhibit on Page C. Where the First Federal Question was raised. Exhibits for Appendix Court of Appeal 81, 2107 and U.S.C.A. Exhibit-E used Federal Questions were also raised in Exhibition 13, 14, 15, 16, 19, 22, 23 in U.S.C.A. Exhibit Appendix Pages C.E.G.H.I.K.L

In a order Exhibits 18, December 17, 1980 from the Court below. See page I from a Court of Appeals Exhibits Brief 81-2107. The Court also notes that failure of the Clerk's office to locate the records in this case did not prejudice Petitioner's Appeal to the Supreme Court.

See et Exhibit Appendix U.S.C.A. on the face of Record in Exhibits 12,13, 14, 15, 17, 19 on Pages C.D.E.F. The records was in need to give an intelligent assessment of the facts. The Order of December 17, 1980 deprived Petitioner and violated the Due Process Clause of the 14th Amendment. The right to a fair and full hearing guranteed by the 14th Amendment of the Constitution.

The Evidentiary Standard of Proof by the Court, the 14th and 5th Amendment of the Constitution, Law 830 (1) and Due Process Standard is required.

To violate that statue, takes his liberty he cannot be deprived without due Process of Law - 525 that requires Due Process- Frank O. Neal, 60 L Ed 323, 99 S. Ct. 1804 (1974).

Constitutional Law 829 Evidence 869, Due Process, Standard of Proof, Fact Findng - Burden of Proof.

The Court repeatedly has recognized that Commitment for any purpose constitutes a significant deprivation of liberty that requires Due Process Protection.

A Plaintiff Burden of Prood in a Civil Case involving a monetary dispute between Private Partners is a Preponderance of Evidence.

Constitutional Law 525 - Due Process Deprivation of Liberty - Civil Commitment.

Civil Commitment for any purpose constitutes a significant deprivation of liberty that requires Due Process Protection. To judge a Court Proceedings is the hearing of Evidence from both sides. Constitutional Law 847.

To be deprived of documented evidence under jurisdiction of the Court, for the Court states it was not needed, is the deprivation of one fundamental right for a fair and full hearing by the 14th Amendment.

The 14th Amendment considers the right of such a Character cannot be denied without violating fundamental Principles of Liberty and Justice. The right to Produce Evidence. Constitutional Law 848.

Due Process of Law does not forbid the hearing of a former cause upon Transcript of Evidence held in Court.

The Exclusion of Competent and relevant evidence on the ground that the Court was in possession of evidence lost, denying the Petitioner his right to a fair hearing and opportunity to introduce evidence by proof to all material facts is denial of Due Process.

A party is entitile to factfinding documentary evidence under the Court's Jurisdiction.

GOOD PUBLIC POLICY

Good Public Policy is requiring the right to examine policy records. The right to inspect commonly carrier with it to make copies. Direct Mail Service-v-Registar of Motor Vehicles 108 -ALR 1391.

Every person is entitled to Inspection of Public Records or Judicial Records to maintain or defend an action which he has an interest that enables him to invest documents of evdience. This right to inspect is conferred by Statue. A Petitioner is entitled to have the whole Judicial records A part of Judicial records is inadmissable in evidence.

THE RIGHT TO CHALLENGE STATUE

The Petitioner is deprived of his right to a fair hearing and there is no remedy and the

Court will not enforce his right. It is the same as closing the door in Petitioner's face. A Standard of Proof is required by the Due Process Clause of the 14th Amendment. Petitioner was derpived of that right to Challenge the Statue of Due Process Clause of the 14th Amendment.

The Remedy guaranteed by the Constitution must be invoked by due course of law for injury, depriving one of a fair hearing and justice.

Petitioner is asking for his Constituional rights guaranteed by the 14th Amendment, a Fair and Full Hearing.

ALBERT MORTON
PETITIONER

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

RECEIVED
AUG 31 1982
OFFICE OF THE CLERK
SUPREME COURT U.S.

No. 81-2107 September Term

Albert Morton,
Appellant

v.

Providence Hospital

Civil Action No. 79-00842

United States Court of Appeal
for the District of Columbia Circuit

FILED MAY 18 1982

GEORGE A. FISHER
CLERK

BEFORE: Tamm, Wilkey and Mikva, Circuit Judges

O R D E R

Upon consideration of the motion for leave to file motion for summary affirmance, of the lodged motion for summary affirmance, of appellant's "motion to stay issuance of the mandate" (construed as an opposition to the motion for summary affirmance), of appellant's brief and appendix, of the record and proceedings in the District Court, it is

ORDERED by the Court that the motion for leave to file motion for summary affirmance is granted. The Clerk is directed to file the lodged motion for summary affirmance. It is

FURTHER ORDERED by the Court that the motion for summary affirmance is granted for the reasons set out in the attached memorandum of the Court. It is

FURTHER ORDERED by the Court, sua sponte, that the Clerk shall withhold issuance of the mandate herein until seven days after disposition of any timely petition for rehearing. See Local Rule 14, as amended on November 30, 1981.

Per Curiam

Circuit Judge Mikva did not participate in the foregoing order.

RECEIVED
AUG 30 1982
OFFICE OF THE CLERK
SUPREME COURT, U.S.

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 81-2107 **September Term, 19** 81

Albert Morton,
Appellant

v.

Providence Hospital

Civil Action No. 79-00842

United States Court of Appeals
for the District of Columbia Circuit
FILED JUN 8 1982
GEORGE A. FISHER
Clerk

BEFORE: Tamm and Wilkey, Circuit Judges

O R D E R

On consideration of appellant's petition for rehearing, filed June 1, 1982, it is

ORDERED by the Court that the aforesaid petition for rehearing is denied.

Per Curiam

FOR THE COURT:

George A. Fisher,
Clerk

BY: Robert A. Bonner
Robert A. Bonner
Chief Deputy Clerk

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ALBERT MORTON, :
Plaintiff, :
v : Civil Action No. 79-0482
PROVIDENCE HOSPITAL, :
Defendant. :

FILED

SEP 30 1981

JAMES F. DAVEY, Clerk

ORDER

The Court has considered plaintiff's motion for relief filed on September 14, 1981 and reaffirms its prior rulings in this case. Plaintiff's further remedies, if any, lie with the United States Court of Appeals for the District of Columbia and not with this Court.

The Clerk of the Court is directed not to accept any further papers from the plaintiff for filing in this case except those which are directed to appeal to the Court of Appeals.

Entered: September 30th, 1981

Barrington D. Parker
United States District Court

A DENIAL OF DUE PROCESS HAS BEEN DEFINED AS THE the fail TO OBSERVE THAT FUNDANENTUL FAIRNESS ESSENTIAL TO THE VERY CONCEPT OF JUSTICE PEOPLE -V- LEYIA ,30@N.Y.353,98 N.E. 2d[illegible]-553

PLAINTIFF HAS NOT HAD ANY RELIEF FROM COURT.

FILED
SEP 1 1981
JAMES F. DAVEY, Clerk

PLAINTIFF DEMAND A TRAIL BY JURY OF THE ISSUES: RULE 38-THE SEVENTH AMENDMENT OF THE CONSTITUTION

THIS CASE DO NOT HAVE THE SAME CIVIL ACTION NO. OR THE SAME ISSUES.

PLAINTIFF CAN ONLY HAVE RELIEF BY TRIAL , AND JURY.
THE COURT WILL NOT GIVE RELIEF.

PLAINTIFF STAND ON HIS CONSTITUTION RIGHT.

Albert Morton

ALBERT MORTON
1430 W ST. S.E,
WASH D.C. 20020

Copys are being mail
(13) to J. Harry Welch
Wheaton Plaza N. Building
Suite 904
Albert Morton

U.S.COURT FOR THE DISTRICT OF COLUMBIA

ALBERT MORTON
PLAINTIFF

V

PROVIDENDCE HOSPITAL
DEFENDANT

CIVIL ACTION-79-0482

FILED
SEP 1 1981
JAMES F. DAVEY, Clerk

MOTION FOR RELIEF

THE COURT HAS NOT REPLY FROM MOTION TO RECONSIDER THE-LAST PLEADING.
THE COURT VIOLATED PLAINIFF RIGHTS AND DEPRIVING ONE OF LIBERTY AND
THE RIGHT OF DUE PROCESS.AS GUARANTEE BY THE CONSTITISTIONAL OF THE U.S.

THE CONTITUTION IN POSE A DUE PROCESS PROCEDURE.
THE COURT LOST THE RECORDS ,INJURE PLAINIFF AND DENIED DUE PROCESS.
AND THE RIGHT TO GIVE ASESSMENT OF THE FACTS FOR THE APPEAL.

IF EVIDENCE FILED IN THE PLEADING IS TO BY CONSIDERED IN SUPPORT OF
THE APPEAL .THE RECORD MUST SHOW IT. BRODS-MEAD I59-CAL 725-II6P46.
BUT THE COURT LOST THE RECORD-DEPRIVEING ONE OF DUE PROCESS AND RIGHT
TO BY HEARD,GUARANTY BY THE CONTITUTION.

THE COURT IS TRYING TO SAY PLAINTIFF DID NOT NEED THE LOST RECORDS
TO SUPPORT THE APPEAL.
AS TO EVIDENCE-EVERY RECORD SHOULD CONTAIN THE EVIDENCE THAT WILL ENALBE
THE APPEAL COURT TO HAVE A PROPER UNDERSTANDING OF THE CASE.
THE EVIDENCE TO BE REVIEWED WILL GIVE SUFFECIENT WEIGHT TO ISSUES MADE
BY THE APPEAL.

THE COURT DENIED PLAINTIFF I4 AMENDEMENT-DUE PROCESS AND LIBRTY.
RULE 26-OBTAIN DISCOVERY FROM THE RECORDS.
RULE 34 PODUCTION OF DOCUMENTS FOR INSPECTION .
RULE44 PROOF OF RECORD.
RULE 44(b) LACK OF RECORD.-A WRITTEN STATEMANT AFTER A DILIGENT SEARCH,
NO RECORD WAS FOUND TO SUPORT THE CASE. THE COURT LOST THE RECORDS.
RULE 44THE PAPER WHICH MAKE THE RECORD ON APPEAL MUST BE AUTHENTICATED
in accordance WITH THE REQUIREMENT RULE ENGASSER-ENGASSER 75 CAL APP2b
80,I7O-P2D-II6.